

REMARKS

In accordance with the foregoing, claims 1, 3-7, 13, 15, and 24 are pending.

Rejection of Claims 1, 3-7, 13, 15, and 24 Under Nonstatutory Obviousness-type Double Patenting

In the Office Action, at pages 2-4, claims 1, 3-7, 13, 15, and 24 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 5,961,647 issued to Kim et al. ("hereinafter referred to as "Kim") in view of U.S. Patent 6,223,283 issued to Chaiken et al. (hereafter referred to as "Chaiken"). A Terminal Disclaimer is concurrently filed herewith.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 1, 3-7, 13, 15, and 24 Under 35 U.S.C. §103

Claims 1, 3-7, 13, 15, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of U.S. Patent Application Publication No. 2003/0137502 to Lee. This rejection is respectfully traversed.

According to 35 USC §103(c), it is respectfully submitted that Lee is not a proper reference under 35 USC §103(a).

Applicants respectfully submit that certified copies of the two priority documents [(1) Korean Application No. 2002-67059 filed October 31, 2002 in the Korean Intellectual Property Office and (2) Korean Application No. 2002-68086 filed November 5, 2002 in the Korean Intellectual Property Office] had been timely filed in the U.S. Patent and Trademark Office on October 7, 2003 with the above-identified patent application. Applicants respectfully submit that a claim for priority from these priority documents was also properly made on October 7, 2003. Receipt of the certified copies and the claim for priority were acknowledged by the U.S. Patent and Trademark Office in the Office Action mailed April 17, 2006. Verified English translations of the priority documents were filed on March 27, 2009.

Applicants respectfully submit that the priority dates of the priority documents (October 31, 2002 and November 5, 2002) are before the publication date of U.S. Patent Application Publication No. 2003/0137502 to Lee, which was published on July 24, 2003.

In response to our assertion that Lee is not prior art due to 35 U.S.C. §103(a), page 14 of the Office Action states that Lee qualifies as prior art under 35 U.S.C. §102(a), which states, "A

person shall be entitled to a patent unless—(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.” This assertion is respectfully traversed.

Because the priority dates of the priority documents (October 31, 2002 and November 5, 2002) are before the publication date of U.S. Patent Application Publication No. 2003/0137502 to Lee, which was published on July 24, 2003, Lee was not patented or described in a printed publication before the invention thereof by the applicants for patent.

In addition, Applicants respectfully submit that both Lee and the above-identified patent application were assigned or subject to an obligation for assignment at the time of the invention described in the above-identified patent application. Therefore, Lee does not qualify as prior under 35 U.S.C. §102(a) as asserted in the Office Action.

Interview Summary

Applicants thank the Examiner for the courtesies extended to Applicants' attorney during the telephone interview of August 27, 2009. Applicants respectfully request that the Interview Summary dated August 27, 2009 be incorporated into this Response.

In support of Applicants submission that both Lee and the above-identified patent application were assigned or subject to an obligation for assignment at the time of the invention described in the above-identified patent application, Applicants submit copies of documents associated with the assignment and recordation of U.S. Patent Application Publication No. 2003/0137502 to Lee. Therefore, Lee does not qualify as prior under 35 U.S.C. §102(a) as asserted in the Office Action

Accordingly, withdrawal of this rejection is respectfully requested.

Summary

Claims 1, 3-7, 13, 15, and 24 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

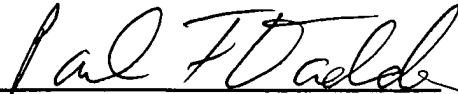
If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: September 14, 2009

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UNITED STATES
PATENT AND
TRADEMARK OFFICE

1572.1050/MDS

SEPTEMBER 27, 2002

PTAS

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
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RECORDATION DATE: 07/22/2002

REEL/FRAME: 013129/0196
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LEE, EUN-BAE

DOC DATE: 07/04/2002

ASSIGNEE:

SAMSUNG ELECTRONICS CO., LTD.
416 MAETAN-DONG, PALDAL-GU
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REPUBLIC
OF KOREA

SERIAL NUMBER: 10199004
PATENT NUMBER:

FILING DATE: 07/22/2002
ISSUE DATE:

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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08-01-2002

FORM PTO-1585

REC



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102175278

2001 Staas & Halsey LLP

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Eun-bae LEE

7-22-02

2. Name and Address of receiving party(ies):

SAMSUNG ELECTRONICS CO., LTD.
416 Maetan-dong, Paldal-gu
Suwon City, Kyungki-do, Republic of Korea

3. Nature of conveyance:

☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other: _____

Execution Date(s): July 4, 2002

4. Application number(s) or patent number(s):

☒ This document is being filed together with a new application:

(a) The execution date(s) of the application is/are: July 4, 2002

(b) The title is: DISPLAYING APPARATUS AND METHOD FOR CONTROLLING THE SAME

OR

☐ This document is being filed after filing of the application:

(a) Patent Application No(s). _____, filed _____; or

(b) Patent No(s). _____, issued _____

5. Name and address of party to whom correspondence concerning document should be mailed:

STAAS & HALSEY LLP

Our Docket: 1572.1050

Attention: Michael D. Stein

700 Eleventh Street, N.W., Suite 500

Washington, D.C. 20001

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41)..... (\$ 40.00 per Assignment)

☒ Enclosed

☐ Authorized to be charged to deposit account.

8. Deposit Account No.: 19-3935 (Any underpayment is authorized to be charged to this Deposit Account)
(Attach duplicate copy of this page if paying by deposit account)

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Michael D. Stein, Reg. No. 37,240

Name of Person Signing

Signature

July 22, 2002

Date

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07/24/2002 ANAB11 00000046 10199004

03/FC:581

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U.S. ASSIGNMENT

SA 111/100

IN CONSIDERATION of the sum of One Dollar (\$1.00), and of other good and valuable consideration paid to the undersigned inventor(s) (hereinafter, "ASSIGNOR") by
(Insert Name(s) & Address(es) of ASSIGNEE(S))

SAMSUNG ELECTRONICS CO., LTD.
416, Maetan-3dong, Paldal-ku
Suwon-city, Kyungki-do
Republic of Korea

(hereinafter, "ASSIGNEE"), the receipt of which is hereby acknowledged, the undersigned ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the entire and exclusive right, title and interest to the invention entitled
(Title of Invention)

DISPLAYING APPARATUS AND METHOD FOR CONTROLLING THE SAME

relating to International Patent Application PCT/IP _____ and/or for which application for Letters Patent of the United States was executed on even date herewith or, if not so executed, was:

(a) executed on _____; (Insert date of execution of application, if not concurrent)

(b) filed on _____

Serial No. _____/_____

Any registered attorney of STAAS & HALSEY LLP, 700 Eleventh Street, N.W., Washington, D.C. 20001 (202/434- 1500) is hereby authorized to insert in (b) the specified data, when known.

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The ASSIGNOR agree(s), when requested by said ASSIGNEE and without charge to but at the expense of said ASSIGNEE, to do all acts which the ASSIGNEE may deem necessary, desirable or expedient, for securing, maintaining and enforcing protection for said invention, including in the preparation and prosecution of said application(s) and the issuance of said Letters Patent(s), in any interference, reissue, reexamination, or public use proceeding, and in any litigation or other legal proceeding which may arise or be declared in relation to same, such acts to include but not be limited to executing all papers, including separate assignments and declarations, taking all rightful oaths, providing sworn testimony, and obtaining and producing evidence.

IN WITNESS WHEREOF, the undersigned inventor(s) has (have) affixed his/her/their signature(s).

(Typed Name & Signature of Inventor(s))

(Date)

(Typed Name & Signature of Witness(es))

1) Eun-bae Lee July 4, 2002
Eun-bae LEE
2) _____

新元國際特許法律事務所

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당소번호 : PS6937/US

2002년 11월 1일

출원번호 : 특허2002-4273

수 신 : 삼성전자(주) 영상디스플레이(사) - D

참 조 : 민 일 기 과장님

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제 목 : 미국 양도등록 완료 보고의 건

◆ 다 음 ◆

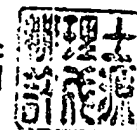
		삼성 FILE NO.		P2002-4273US0	
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해외출원번호	10/199,004	해외출원일자	2002.07.22	해외대리인	STAAS
국내출원번호	특2002-4273	국내출원일자	2002.01.24		

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